

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

INFORMAL SESSION

February 23, 2004

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., February 23, 2004 in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, District 4, Acting Chairman; Fulton Brock, District 1; Don Stapley, District 2 and Mary Rose Wilcox, District 5. Absent: Andy Kunasek, Chairman, District 3. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Vice Chairman Wilson called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Stapley, to recommend approval of the following liquor license applications:

- a) Application filed by David C. Benjes for a Special Event Liquor License: (F23132)

Organization: MBAA, DCB Extreme Adventures (Mountain Bike Event)
Location: 13025 North White Tank Mountain Road, Waddell
Date/Time: Saturday, February 28, 2004; 12:00 noon – 7:00 p.m.

- b) Application filed by John A. Groff for a Special Event Liquor License: (F23132)

Organization: Wisconsin Club, Sun City Recreation Center
Location: Sun Bowl, 10748 West Claire Drive, Sun City
Date/Time: Thursday, March 11, 2004; 9:00 a.m. – 3:00 p.m.

Motion carried by majority vote (3-1-1) with Supervisors Stapley, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

SETTLEMENT AGREEMENT ON CORRECTIONAL HEALTH LAWSUITS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the settlement of Catholic Healthcare West correctional health lawsuits (Nos. CV2001-014007, CV2002-018270, CV2002-002438), subject to the terms of a Settlement Agreement, as discussed in Executive Session, the final form of which will be approved by the Division of County Counsel, Maricopa County Attorney. Approve an allocation not-to-exceed \$283,387.49 of Detention Funds budgeted in Health Care Mandates for this settlement. (C39040061) (ADM409)

CORRECTION TO ROAD ABANDONMENT FILE 5202-R

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a correction to Board action of July 24, 2002, regarding abandonment of Road File 5202-R, located in the general vicinity of Crismon Road and Ocotillo Road. The referenced road file was incorrectly processed as an open and declare instead of an abandonment. (C6402258B01)

**OFFICIAL APPOINTMENT AND OATH OF OFFICE - OFFICE OF THE COUNTY ATTORNEY -
WITHDRAWN**

Item: Authorize the Official Appointment and Oath of Office of Melvin McDonald, Jr., as special deputy county attorney in the Office of the County Attorney.

This item was withdrawn by the Clerk. Several citizens had registered to speak in opposition, including Judy Kennedy, Frank R. Sacco, Jean McDermott, Frank Costanzo, Edward G. Cota and David Lelsz.

OFFICIAL APPOINTMENT AND OATH OF OFFICE – CLERK OF THE BOARD

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the Official Appointments and Oaths of Office of Selene Saucedo and Anna Medina as special deputy clerks in the Office of the Clerk of the Board of Supervisors. (ADM713)

PRESENTATION ON TOTAL COMPENSATION

Update regarding HealthSelect.

Tom Manos, Chief Financial Officer

Mike Schaiberger, Director of Innovations

Tom Manos reported on the transition of the HealthSelect Program to the Employee Health Initiatives Office that has been proceeding since the first of this year. (ADM3717)

Mike Schaiberger said that the Board approved this transition last fall to begin the first of this year and today's update represents only seven weeks of activity. He said they plan to give a status report to the Board on a regular basis. He reminded all that any claims prior to January 1, 2004, would be referred back to the Maricopa Integrated Health System (MIHS) for processing. He said that CIGNA oversees the general medical component, Walgreens oversees the pharmacy component, Employee Health Initiatives (EHI) has management oversight and the HealthSelect network will remain intact with MIHS. In December and January an extensive outreach mailing was done in both English and Spanish to inform active and retired members of these changes. Providers were also sent several notices during December 2003, and January and February 2004. He spoke of standards set for claims processing and reported that 3,754 claims had been processed in January with 3,564 paid, 178 denied, and 15 pending. He said that Walgreen's Health Initiatives in January filled 4,206 prescriptions for 1,705 of the 6,856 members covered.

Mr. Schaiberger said that activities and results on timeliness and accuracy would be reviewed with CIGNA following the first 90 days. CIGNA may be eligible for performance incentives through speedy and responsive interaction with members. He said their main concern now involves those claims not paid prior to the first of the year and these are filed with MIHS. He added that they might ask for authority to explore options with CIGNA for them to get all the MIHS claims for the past two-year period properly adjudicated. He reported that new medical and pharmacy identification cards had been sent to all members. Discussion ensued on service questions and problems encountered by Board members.

PRESENTATION – CAPITAL FACILITIES DEVELOPMENT AND FACILITIES MANAGEMENT DEPARTMENTS

Presentations and/or status updates regarding the following projects:

- a) Jail Expansion Program
 - b) Current Capital Improvement Program
 - c) Proposed Future Capital Improvement Projects
 - d) Project Reporting Capabilities
- Heidi Birch, Director, Capital Facilities Development Department
Steve Conner, Director, Facilities Management Department

Steve Conner reported that the County's Capital Improvement Program is managing a combined total of approximately \$680 million made up of three components, the largest being the Jail Expansion Program at \$522 million, the other two being CIP Programs at \$125 million and a Major Maintenance program of \$21 million. (ADM850)

Before giving her status reports, Heidi Birch said she had gone to an awards banquet hosted by the American Subcontractors Association (ASA) last Friday and had received the ASA Advocate Owner of the Year award on behalf of Maricopa County. Many subcontractors have worked on County projects and she felt their support was "based primarily on prompt payment, our change management process and our ability to work through issues with both the general contractors and the sub contractors." Some of the other nominees included Chandler Unified School District, The City of Avondale and The Catholic Diocese of Phoenix. She said it had been an honor to accept this award for the County and she believed it would translate into real dollar savings for County projects in the future. "Contractors and subcontractors look at who they are bidding for and it makes a big difference in whether they bid and how they bid. With the reputation that the County is developing as a good owner to work for we will see bids from good quality subcontractors and general contractors who will give us good price quotes. She said the County was also nominated for Large Project of the Year for the new jail at the same banquet but lost out to the new Glendale Arena.

In giving a status report on various projects, she said that there are over \$120 million in construction costs in projects "behind us" from the 16 jail projects, and that of the 16, 13 are now completed. She reviewed the following:

Estrella Support Building
Southeast Facility Parking Garage
Jackson Street Storm Sewer Relocation
Durango Utility Relocation
Clerk of Superior Court Customer Service Center
Durango Microwave Tower
Durango Parking Center
Parks and Recreation Building
Facilities Management O & M Building
Sheriff's Office Training Facility
Durango Juvenile Residential Treatment Center
Lower Buckeye Jail Central Services Facility
Mesa Juvenile Detention and Courts Center

Supervisor Wilson asked how many were completed on time and under budget. Ms. Birch replied that they were all under budget and all but one completed on time.

Soon to be completed, or recently completed projects included:

Lower Buckeye Jail Adult Detention Center
4th Avenue Jail
Durango Juvenile Courts and Detention Facility

Ms. Birch said they are all on budget but Durango is behind schedule because of “struggles” with the contractor. The project includes both courts and detention space and the contractor had been directed to focus on completing the court’s space first. The contractor is working with them on this and it is projected to be completed by the end of April. She said this early completion had been done to support the Superior Court’s judicial rotation next July 1. She reported that completion of the detention portion of the project is now rescheduled for late summer.

In response to a question from Supervisor Brock, Ms. Birch said that the completion date for the 4th Avenue Jail will be in March and they are coordinating with the Sheriff’s Office and with Al Macias for the public dedication date, which could be in April or May.

Supervisor Wilcox thanked Ms. Birch for her work and dedication and in particular for keeping the Board updated so well on all the various projects. Ms. Wilcox expressed amazement on how well Ms. Birch manages so many projects, especially with such a small working shop.

Supervisor Stapley said he had recently toured the 4th Avenue Jail, which he’d thought would take 30 minutes and actually took 2½ hours. He said it was an amazing facility and a very complex building, and extended his compliments to Ms. Birch and her co-workers. He asked what the schedule was for remodeling the Madison Street Jail as the new jail comes on-line.

Ms. Birch said that the Sheriff’s Office would like this to begin sometime in August as inmates are moved to the 4th Avenue and Buckeye jails and the Madison Street jail is emptied. The condition of the facility has not been assessed since the jail’s Master Plan in 1997 so that assessment is being updated. She explained that much would depend on the Sheriff’s calendar and decisions that are made regarding needs and then prioritizing those needs according to the infrastructure improvements. She said they hope to begin work later this calendar year and they anticipate it will be a two-year process to completion.

She then discussed the non-jail CIP projects, including the following:

Current Administration Building remodel
Campbell Library remodel
Citizen Service Center
Elections addition
Human Services Campus
MCSO Property and Evidence Warehouse
Northeast Superior Courts
Public Health Clinic
Security Building renovation
Star Call Center

Brian Kearney, Downtown Phoenix Partnership, requested to speak on the new Administration Building plans and said several people from different organizations had been working on a concept for a public market in downtown Phoenix and one of the locations discussed as a possibility was utilizing a portion of the old Santa Fe Depot for such a market. However, they also wanted to present a plan to consider incorporating some additional components, such as a public market, into the new Citizen Service Center (the new County Administration Building). He said they would like to discuss this concept with staff if the Board deems it a feasible one.

Ms. Birch addressed the status for that building, the Citizen Service Center, next, and indicated that space needs are now being looked at for those departments who would be moving into that building. She said they have changed the location previously recommended and now their recommendation is for construction at the NW corner of Jackson Street and 5th Avenue so the Jackson Street Parking Garage is available for use by the hundreds of daily visitors to the building. She said they would meet with the architect later this week and she plans to ask Joy Rich to revitalize the Downtown Advisory Committee to get citizen input into the design process.

Supervisor Stapley asked that they not "spend a lot of money before the Board decides to move forward on this as presented." He wanted a strong consensus before too much is done and for everyone to have a clear idea of future plans and phases for the property. Supervisors Stapley and Wilson said they hadn't heard of these changes yet and asked for further briefing before any action is taken. Supervisor Wilcox echoed the idea of more study before moving ahead with the Citizen Service Center. Supervisor Brock questioned the design, as presented, for using the space in question efficiently and said he would appreciate the opportunity of having the architects and committee representatives come to meet with the Board on what they wanted. He reminded the Supervisors that earlier plans for a new administration building had gotten "far, far too fancy and was not as personal as it should be for our purpose." Discussion ensued on downtown planning overall. Supervisor Wilcox asked that the membership of the Downtown Advisory Committee be reviewed and new ones added. She said she liked the idea of a public market and asked that the Downtown Phoenix Partnership be contacted to see how planned County expansion could fit with their expansion concepts.

Ms. Birch said the photo presented today was from their former master plan, which has now changed drastically with the location change and as space planning proceeded. She said there would be nothing "fancy" on this building as their budget is very tight. She stated that the January 2006 completion date given to the architect and contractor makes for a very tight time schedule as well.

Supervisor Wilcox reiterated that several members had requested additional time and more information and asked that the process allow for that.

Ms. Birch reported on projected use and completion dates for the remaining projects with minimal comment or questions by Board members until she reported on the continued renovation of the Security Building.

Supervisor Brock asked if all the tenants have moved out of the Security Building and Ms. Birch responded that all were gone except for the Bureau of Land Management and they have indicated that they could move out within the next year. Supervisor Brock remarked that the old swimming pool on the roof had been filled in and he asked what was being done with the botanical gardens on the roof and about the cost of maintenance required on it.

Mr. Conner said the garden spot on top of the north tower is currently intended to stay. He said a structural engineer had looked at it and it determined that it was only two feet deep and had been constructed to hold soil, plants and lawn. He said that now that the restricted access to that area is gone the new plan calls for the whole 9th floor to become a conference room area. Supervisor Brock asked if there was any merit in making the area into a deck. Mr. Conner said it could be done but it would eliminate a certain historical aspect of this historical building to remove the rose garden and lawn. He said there could be an element of concern that there was a safety aspect, but if funds were available at the end of the renovation changing it could be considered. Supervisor Wilcox said she would like to preserve the history of it, which they knew about when the building was bought.

In summing up Ms. Birch referenced The Loft Artist's Project which is proceeding satisfactorily and will provide 3,000 SF of remodeled space in the west end of the Santa Fe Depot. Completion will be in May.

Supervisor Stapley said he recently spoke at the rededication of the Old Courthouse opening of the Court's Administration Offices that have moved into that building. He said that Justice Sandra Day O'Connor spoke, The Arizona Supreme Court members were there and many members of the bar association. He referenced the newly renovated historical museum in the Courthouse and said it looked like a great educational facility and he looked forward to its being opened to the public in April.

Supervisor Wilcox asked for an update on Buckeye Hills and Mr. Conner said a meeting was scheduled for the next day to meet with Bill Scalzo and OMB (Office of Management and Budget) to determine what needs to be done since some additional revenue has been received.

Ms. Birch said that both the Downtown Consolidated Justice Court and the Northwest Consolidated Justice Court are "future" projects that have already been started and they are now advertising for a design/build contractor. She indicated that several properties had been looked at for the downtown court's project but none of them have had the appropriate space to allow the consolidation and ensuing cost savings. She reviewed the plan to build the court at 7th Avenue and Jackson. She said that this would be a prime location for the Courts. They are considering several additional floors that would accommodate administrative or other offices in order to maximize that parcel of land.

Supervisor Wilcox said that Jackson Street does not have city bus service and she is concerned that many people have to take the bus when they have to go to court, as that is their only transportation. She asked about some of the Jefferson Street land parcels. She also asked the status of courts at South Mountain and if a satellite court could be kept there for easier access to residents.

Mr. Smith said he wasn't aware that the South Mountain area needed a part time court and deferred to Superior Court and Justice Court Administration since they usually drive such decisions.

Supervisor Wilson commented that an effort is being made to consolidate the Courts and maintaining a satellite at South Mountain does away with that idea.

Ms. Birch said the Board would see a request for funds for Facility Master Plans in next year's budget and added that they would eventually like to have master plans for all departments within the County. This would promote a planned approach to building and to CIP. The three master plans that would be targeted for completion in the next fiscal year are for the Public Health Department, the Sheriff's administrative offices and Juvenile Probation administration offices at Durango. She reported that the Chandler, Mesa and Southwest Consolidated Justice Courts would probably be their next big projects, although they are being held up in Mesa because of a lack of location, and this problem is being studied.

Supervisor Stapley commented that he is tired of waiting for this and asked why Mesa is a “study” instead of a “project” like the other five. He asked what was holding it up since he understood there was to have been a meeting with the State Department of Motor Vehicles (DMV) to discuss this a month ago. He asked if there had been a response from the State.

Mr. Smith said that a meeting with State Leadership was scheduled for the next day “and this will be on the agenda.” He said that the DMV land wasn’t large enough and would require the County to acquire additional land and the surrounding land is already developed, complicating the matter.

Supervisor Brock asked the status of the Mesa RV facility that had been talked about for the past several years as a possible site.

Tom Manos said that site is currently being used by the RV facility and he recalled that a year ago the Board had decided not to pursue it. He said several sites have been discussed: the DMV site a portion of the City of Mesa’s Retention Basin and also the parcel the Food Bank occupies. He hastened to add, “It is clear that we wouldn’t force them off of that site, which is just south of the DMV site, but the structure they have on it is relatively inexpensive and we might be better moving them off that site and building a replacement facility in order to free-up the land.”

Supervisor Stapley explained that the Courts in Mesa are now leasing space and there “has been much finger pointing at the County over it because of the cost of the lease.” He asked what the status is on that lease.

Tom Manos agreed that the Mesa lease has been an embarrassment to the County, who, at one time was leasing more space than was needed, forced into it because of occupying so many parking spaces. One court was moved out and the County is now paying only for the space it is occupying.

MEETING RECESSED TO LIBRARY DISTRICT

Chairman Wilson recessed the meeting to the Library District to consider Ms. Birch’s report on the Campbell Library.

RECONVENE MEETING

The Chairman reconvened as the Board of Supervisors.

Ms. Birch said they are incorporating a new on-line reporting method to make updated project information available on a monthly basis for the various Capital Facilities Development programs. She introduced Kent Bosworth, 3DI, to explain the system.

Mr. Bosworth said 3DI developed a program 10 years ago to cover projects having multiple architects and multiple contractors because there was no other software available for such a process. He demonstrated IMPACT, which is the Project Management software that County staff will use. He also explained ORBIT, the portal they use to access their software and gave information on free downloads for software needed to use ORBIT effectively. He indicated that all phases of each project will be available to anyone who has access to the Internet – with the exception of financial information, which is password protected – and each Supervisor can have this program installed in his or her office and receive their personal password.

Ms. Birch explained that they would prefer to use this method from now on and will forego the printing and mailing of monthly reports.

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda dated February 23, 2004, as follows:

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION -- ARS §38-431.03(A)(3) AND (A)(4)

1. **Compromise Cases** – Felix Cruz, Robert Frey, Ebony Golden, Margaret Gonzalez, Alejandro Higadera, Kenny Jordan, David Keller, Gehard Kollitz, Misty Lemmon, Patricia Macias, Omar Montiel, Manual Nevarez, Joe Romo, Robert Russell, Daphnee Sapien, Maxine Shuman, Joseph Smith, Chris Strebe, James Tamme, Morgan Vanover.
Barbara Caldwell, Outside Counsel
2. **Write-Off Cases** – Louise Baur, Michael Mulliner, Sheriff's costs that are uncollectible.
Barbara Caldwell, Outside Counsel

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; CONTRACTS SUBJECT TO NEGOTIATION – ARS §38-431.03(A)(3) and (A)(4)

3. **OAo-MIHS Health Claims Processing Contract**
Chris Keller, Chief Counsel, Division of County Counsel
Sandi Wilson, Deputy County Administrator
Tom Manos, Chief Financial Officer
Mark Hillard, CEO, MIHS
Pat Walz, CFO, MIHS
Deanne Wise, CIO, MIHS
Paul Ahlsing, Interim Chief Information Officer
Rich Dymalski, Chief Information Office
Ted Shaw, FRG Consulting
Bill Sims, Esq., Outside Counsel

RECORDS OR INFORMATION EXEMPT BY LAW FROM PUBLIC INSPECTION; LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION – ARS §38-431.03(A)(2), (A)(3), and (A)(4)

4. **Solicitation No. C60-04015RFP
Managed Care Claims Processing (TPA)**
Chris Keller, Chief Counsel, Division of County Counsel
Sandi Wilson, Deputy County Administrator
Tom Manos, Chief Financial Officer
Mark Hillard, CEO, MIHS
Pat Walz, CFO, MIHS
Deanne Wise, CIO, MIHS
Rich Dymalski, Chief Information Office
Ted Shaw, FRG Consulting
Bill Sims, Esq., Outside Counsel

LEGAL ADVICE; PURCHASE OR LEASE OF REAL PROPERTY – ARS §38-431.03(A)(3) and (A)(7)

5. Wells' Offer to Gift Real Property to County

Tom Manos, Chief Financial Officer
Dennis Lindsey, Manager, Department of Real Estate
Bill Knopf, Deputy County Attorney, Division of County Counsel
Deryck R. Lavelle, Deputy County Attorney, Division of County Counsel

SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(4)

6. Claim of Arrington Watkins Architects

John W. Paulsen, Deputy County Attorney, Division of County Counsel
Heidi Birch, Director, Capital Facilities Development Department
Steve Hinchman, Capital Facilities Development Department

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) and (A)(4)

7. Dillard's Department Stores (Chandler and Superstition Springs)

William Riske, Deputy County Attorney, Division of County Counsel
Roberta Livesay, Helm & Kyle

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board